

Attorney Docket No. P13850-US2

**REMARKS/ARGUMENTS****1.) Claim Amendments**

The Applicants have amended claims 1, 3, 6, 8-14, 16, 17, and 27-30. Claims 2, 4, 5, 7, 18, 20-26, and 31 have been canceled. Accordingly, claims 1, 3, 6, 8-17, 19, and 27-30 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**2.) Claim Rejections – 35 U.S.C. § 102(a)**

In paragraphs 1-2 of the Office Action, the Examiner rejected claims 1-5, 8-26, 28, 30 and 31 under 35 U.S.C. § 102(a) as being anticipated by GSM (*"Digital Cellular Telecommunications System (Phase 2+); Discontinuous Transmission (DTX) for Adaptive Multi-rate (AMR) Speech Traffic Channels"*). Of these claims, claims 2, 4, 5, 18, 20-26, and 31 have been canceled. The Applicants have amended the remaining claims to better distinguish the claimed invention from GSM. The Examiner's consideration of the amended claims is respectfully requested.

As noted by the Examiner, GSM shows a receiver in Figure 3 on page 12, and describes the receiver on pages 12-13. The text discloses that the receiver operates in two main modes: speech and comfort noise. (Section 6.1.2 on page 13). Although GSM discloses the use of the SID\_UPDATE and SID\_FIRST markers to mark a transition to the comfort noise mode, and the use of the AMR ID markers SPEECH\_GOOD, SPEECH\_DEGRADED, or SPEECH\_BAD to mark a transition back to the speech mode, no other modes or states are disclosed or suggested.

In contrast, the receiver in the Applicants' claimed invention operates in three modes (i.e., states): speech, comfort noise, and speech possible. Claim 1 has been amended to recite a receiver configurable in a plurality of states, wherein in each state the physical layer headers associated with received frames of information are usable to determine the format in which the received frames of information are to be decoded and are interpreted differently relative to the interpretation of the physical layer headers in another state. The plurality of states includes a speech state, a comfort noise state, and

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a speech possible state. In the speech state, the physical layer headers indicate to the receiver to utilize speech decoding or fast associated control channel (FACCH) decoding for the information in the received frames. In the comfort noise state, the receiver generates comfort noise, and best-effort data is interleaved with the physical layer headers, wherein the physical layer headers indicate that speech, data, or packet associated control channel (PACCH) information is included in the received frames. In the speech possible state, the receiver generates comfort noise, the physical layer headers indicate that speech or FACCH information is included in the received frames, and the receiver attempts to decode either speech or FACCH information, as indicated by the physical layer headers.

A receiver operating in three states, as claimed by the Applicants, is not taught or suggested by GSM. Therefore, the withdrawal of the rejection under § 102 and the allowance of claim 1 are respectfully requested.

Claims 3 and 8-16 depend from amended claim 1 and recite further limitations in combination with the novel and unobvious elements of claim 1. Therefore, the allowance of claims 3 and 8-16 is respectfully requested.

Independent claim 17 has also been amended in a manner similar to claim 1. Therefore, the allowance of claim 17 is respectfully requested for the same reasons as discussed above for claim 1.

Claim 19 depends from amended claim 17 and recites further limitations in combination with the novel and unobvious elements of claim 17. Therefore, the allowance of claim 19 is respectfully requested.

Independent claim 28 has been amended to recite a receiver configurable into a first state for decoding received frames of higher priority information, a second state for decoding received frames of lower priority information, and a third state when an indication is received that the received frames may change from frames of lower priority information to frames of higher priority information. State transitions of the receiver are triggered by adaptive multi-rate (AMR) identification markers associated with the received frames of information. A receiver operating in three states, as claimed by the Applicants, is not taught or suggested by GSM. Therefore, the withdrawal of the rejection under § 102 and the allowance of claim 28 are respectfully requested.

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Claim 30 depends from amended claim 28 and recites further limitations in combination with the novel and unobvious elements of claim 17. Therefore, the allowance of claim 30 is respectfully requested.

### 3.) Claim Rejections – 35 U.S.C. § 103(a)

In paragraphs 3-4 of the Office Action, the Examiner rejected claims 6-7, 27 and 29 under 35 U.S.C. § 103(a) as being unpatentable over GSM in view of Ericsson (WO 00/31996). Of these claims, claim 7 has been canceled. Claims 6, 27, and 29 depend from amended base claims 1, 17, and 28, respectively, and recite further limitations in combination with the novel elements of base claims 1, 17, and 28. A receiver operating in three states, as claimed by the Applicants, is not taught or suggested by GSM or Ericsson. Therefore, the allowance of claims 6, 27, and 29 is respectfully requested.

### CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 3, 6, 8-17, 19, and 27-30.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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